



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

June 15, 2005

SUBJECT: 2005-0393 - Application on a 5,500 square foot lot located at **467 Nuestra Avenue** (Near W. Olive Ave.) in an R-0 (Low Density Residential) Zoning District (APN: 165-07-074).

MOTION: Variance from Sunnyvale Municipal Code (SMC) section 19.34.030 for total combined side yard of 10 feet where 12 feet is required.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Setbacks

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,500	Same	6,000 min.
Gross Floor Area (s.f.)	2,072	2,283	45% max.
Lot Coverage (%)	38%	42%	45% max.
Floor Area Ratio (FAR)	38%	42%	45% max. without PC review
No. of Units	1	Same	1 max.
Building Height (ft.)	15' 6"	Same	30' max.
No. of Stories	1	Same	2 max.
Setbacks (First/Second Facing Property)			
Front	25'	Same	20' min.
Left Side	5'	Same	12' combined min. (4' on one side)
Right Side	5'	Same	12' combined min. (4' on one side)
Rear	19'2"	Same	20' min. (10' permitted for 25% encroachment of rear yard)
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The proposed project is a one-story addition (210 square feet) at the rear of the home. While the addition meets the minimum setback of 4' for one side, the combined side yard of 10' does not meet the required 12 feet for the R-0 Zoning District; therefore, a Variance is necessary.

Background

Previous Actions on the Site: There are no previous planning actions related to this site.

In 1981, a family room addition was approved through a building permit. This addition was built along non-conforming setbacks similar to this proposal. The permit was renewed in 1994. In the past, similar additions to the current proposal have been approved within the neighborhood along non-conforming setbacks, prior to the policy to prohibit extensions along non-conforming setbacks without a Variance approval. In 2002, City Council directed staff to no longer consider these types of proposals through administrative review and necessitated a Variance application for additions along non-conforming setbacks.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 5 Categorical Exemptions include minor alterations in land use limitations, including setback variances.

Variance

Site Layout: The layout of the home is typical of many of the houses within the neighborhood. The proposed addition, built along existing non-conforming setbacks, would allow for a larger family room located towards the rear of the home. Many of the homes in this neighborhood were built with similar setbacks as the subject property. The lot width of 55 feet, consistent with other homes in the area, does not meet current R-0 standards (57'). The site is adjacent to single family homes in each direction.

Architecture: The proposed addition will match the stucco material that exists on three sides of the home (excluding the front). The addition will also match the same composition roof material. The proposal would also reintroduce a pitched roof for the new portion of the home as well as the original family room which was built approximately 11 years ago. The original roof was flat for this portion of the home. The new roof would be consistent to the architecture of the existing home.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques - Architecture	Comments
3.5 Roofs J. Use roof forms for additions that blend comfortably with the roofs of the existing home.	The granting of the Variance would allow the proposed addition to eliminate the flat roof and reconfigure the roof form to match the existing home.

Landscaping: The site meets landscaping standards for single family homes located within the R-0 Zoning District. There are no proposed tree removals in conjunction with this permit review.

Parking/Circulation: As required by Sunnyvale Municipal Code, the site provides a two-car garage and two uncovered parking spaces.

Compliance with Development Standards/Guidelines: The site meets all standard requirements for the R-0 Zoning District with the exception of the combined side yard setback (10 feet where 12 feet is required).

Expected Impact on the Surroundings: The proposed addition should have minimal impact to the surrounding neighborhood. The addition would not be visible from the public street and would be limited to the adjacent neighbors to the south and west.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 8 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

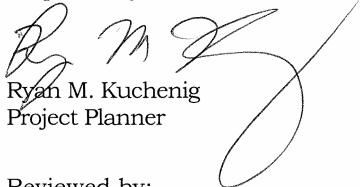
Alternatives

1. Deny the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Recommend Alternative 1.

Prepared by:


Ryan M. Kuchenig
Project Planner

Reviewed by:


Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
 - B. Recommended Conditions of Approval
 - C. Site and Architectural Plans
 - D. Justifications submitted by the Applicant
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Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. (*Finding not made*) Although the property is considered undersized and slightly less than standard in terms of lot width for the R-0 Zoning District, the site is not considered unique with respect to surrounding development in the area. Many of the lots within the neighborhood have the same site layout characteristics. Reconfiguration of the proposed addition could be achieved to meet the required setbacks without sacrificing desired area for the addition.
 2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding Made*) The proposed addition would not negatively impact or impair the site or surrounding development. The addition would only be visible to properties to the south and west of the site.
 3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding Made*) Similar additions along non-conforming setbacks have been built on other properties within the neighborhood in the past, as noted in the "Background" section of this report.
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Recommended Conditions of Approval – Variance

Staff recommends denial of the Variance. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the following Conditions of Approval.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

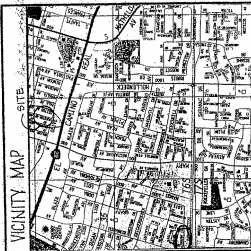
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
 - B. Roof material shall match the existing home or be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.
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PROJECT DATA:

[illegible]

SLEEVES FRONT 129
 SIDE 129
 KEYS 20
 20 MAX. 11-5000

TOT AREA: 35,500 SF (306 ACRES)
LOT COVERAGE: 45% MAX (1-5000)
BLDG AREA ANALYSIS: (2475)

PM PLANK	7:45-8:15	NO	4:11-4:35	10:40-11:00
DR PLANK				
BARQUE (RT)	4:11-4:35			
DR PLANK	8:15-8:45		4:35-5:00	10:40-11:00

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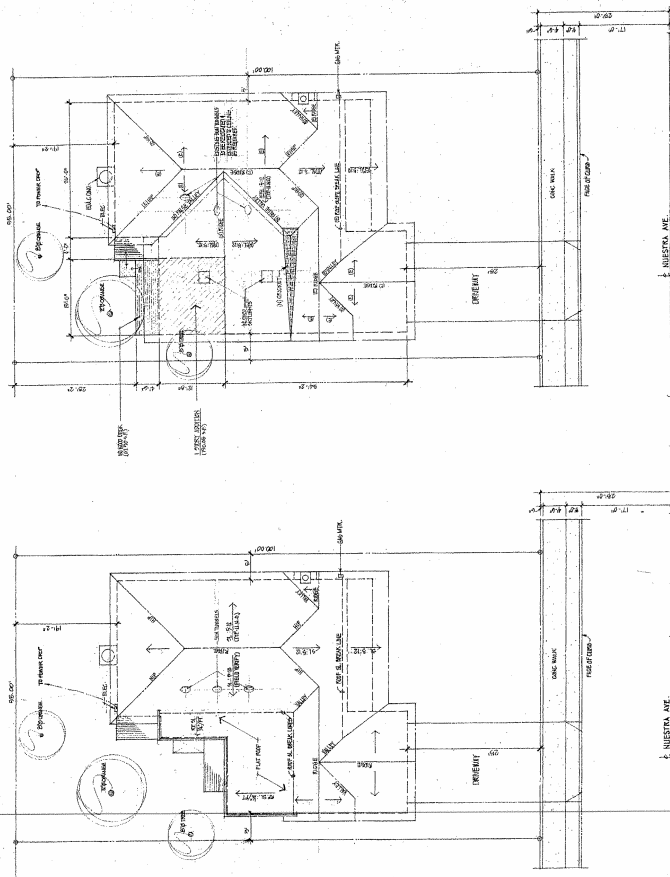
QUEST CLIENTS:

3) EXISTING & PROPOSED SITE PLANS, VOLUME 1 SUP. PROJECT DATA SHEET SCHEDULE

4) EXISTING TOP PLAN

5) PROPOSED FLOOR PLAN

6) ELEVATIONS



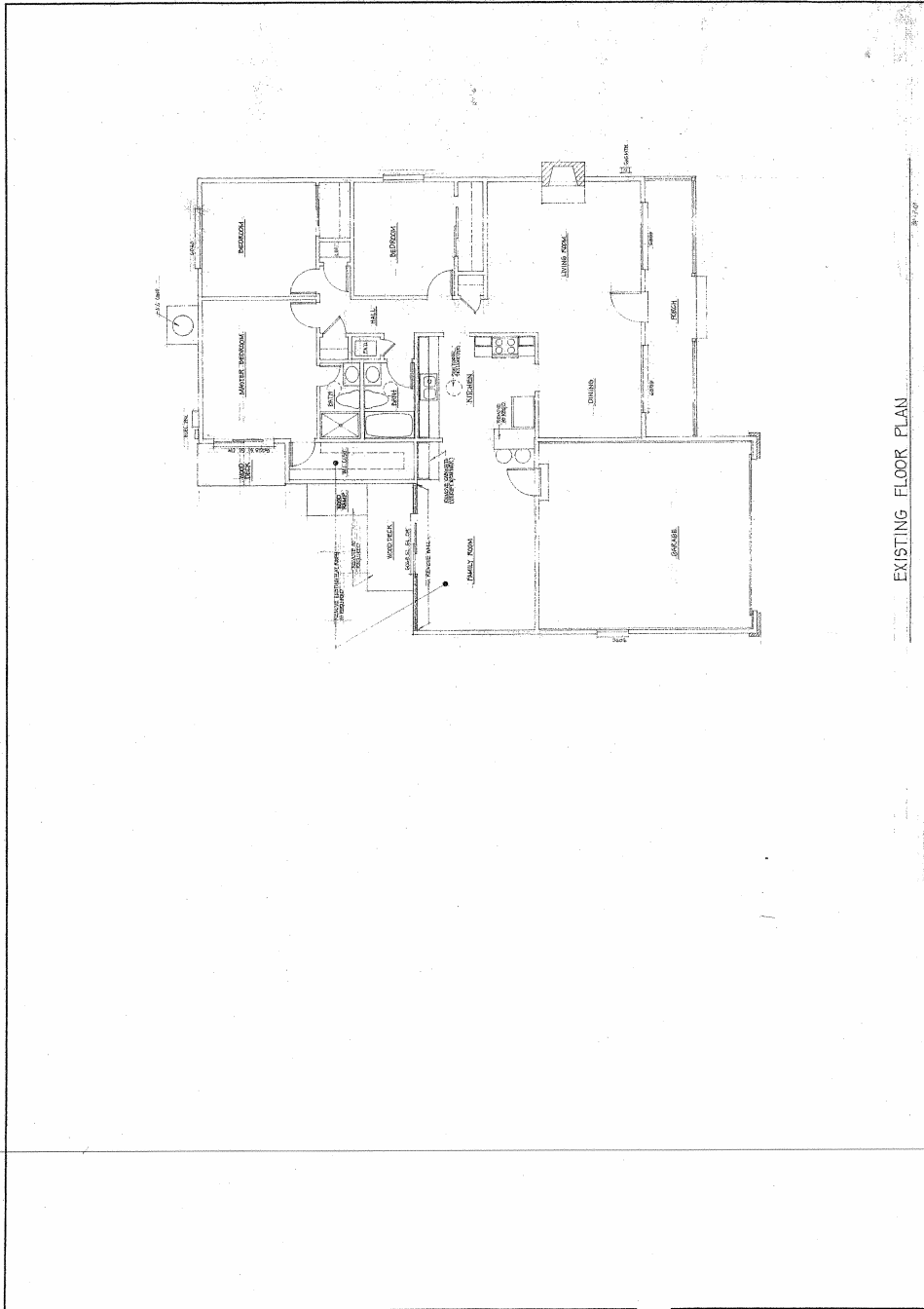
PROPOSED SITE PLAN / ROOF PLAN

EXISTING SITE PLAN/ ROOF PLAN



EXISTING FLOOR PLAN

NO.	REVISIONS



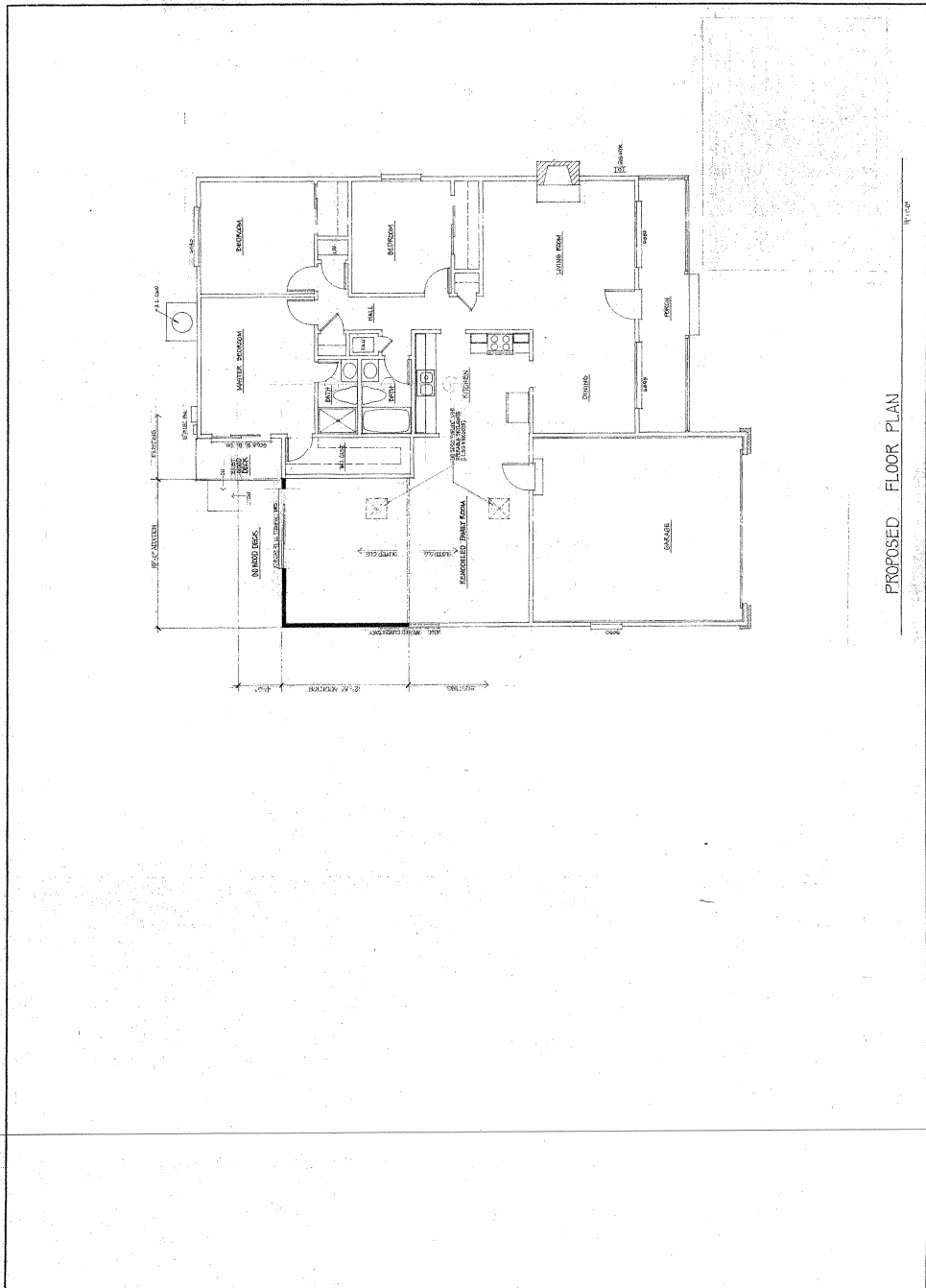
DOUGLAS & KATE KONAWA
487 N. RIVERA AVE.
SANTA ANA, CA 92705

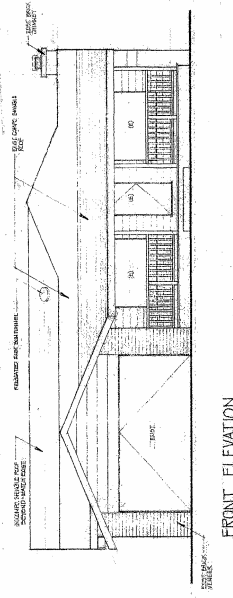
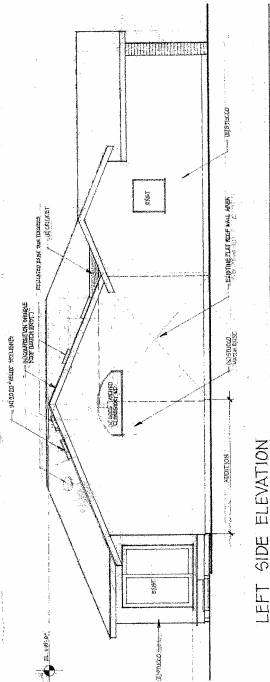
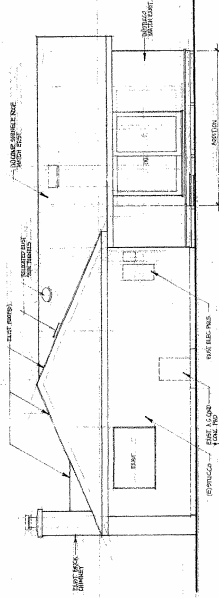
RICHARD HART
DRAWING AND PLANNING, INC.
818 N. RIVERA AVE., CARPENTERS, CA 92705
(714) 311-7299



PROPOSED FLOOR PLAN

NO.	REVISIONS
1	
2	
3	
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10	





VARIANCE JUSTIFICATIONS

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

The ordinances when first established allowed 5' sideyards
All of the homes in this area have 5' sideyards.
We have a recent addition that has 5' sideyards -
Other variances in the area have been approved
at 5' sideyards -

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

All other homes have ex. 5' sideyards in this
area.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

All other homes in this area were originally
designed with 5' sideyards

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.